



K A N S A S

D. KENT HURN, CHAIRPERSON

DEPARTMENT OF ADMINISTRATION
CIVIL SERVICE BOARD

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To: Jack Rickerson, Director, Division of Personnel Services
Tracy Diel, Director, Office of Administrative Hearings
D. Kent Hurn, Chairman, Civil Service Board

From: Peggy Graham, Secretary, Civil Service Board

Date: October 15, 2005

Re: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the July 15, 2005 quarterly report:

A. Cases Decided and/or Disposed Of:

1. **Name Removed**, 2-day suspension *withdrawn*
Social and Rehabilitation Services
Human Services Specialist. Appellant got into a dispute over a file with a coworker and inappropriately touched the coworker in the process. Appellant had been counseled about her inappropriate behavior in the workplace previously. The parties reached a settlement agreement and the appeal was withdrawn prior to the scheduled hearing.
2. **Name Removed**, dismissal *modified*
State Fire Marshal's Office
Fire Prevention Inspector. Appellant was counseled repeatedly about the need to timely file her inspection reports with the office in Topeka. In addition, she conducted an inspection on a private dairy farm that was unauthorized and without permission to do so. After hearing all of the evidence, the Board found that while the appellant's conduct did warrant disciplinary action, dismissal was unreasonable based upon the evidence presented. The agency action was modified to a 30-day suspension without pay.
3. **Name Removed**, dismissal *withdrawn*
Kansas Neurological Institute
Developmental Disability Technician I. On July 20, 2004 appellant was in an automobile accident and his driver's license was revoked for failure to maintain auto insurance as required by law. As of May 2005, the appellant still did not have a driver's license. His position requires

a valid driver's license in order to transport KNI clients. Appellant withdrew his request for a hearing prior to the scheduled hearing.

4. **Name Removed**, dismissal *withdrawn*
Osawatomie State Hospital
Mental Health/Developmental Technician. Appellant entered into a diversion agreement in Johnson County, Kansas based upon a first felony possession of cocaine, misdemeanor possession of marijuana drug paraphernalia and DUI. Based upon the diversion agreement, OSH revoked the appellant's security clearance and dismissed her from her employment. Appellant withdrew her request for a hearing prior to the scheduled hearing.
5. **Name Removed**, 30-day suspension *affirmed*
Topeka Correctional Facility
Corrections Officer I. Appellant was assigned to the J cell house during the 6:00 am to 2:00 pm shift. While on duty he was observed with his feet up on a desk, his head tilted back and his eyes closed for a period of at least 13 minutes. During this time his unit was called to lunch twice before the appellant responded to the call. Appellant had been disciplined several times previously for being inattentive to his duties. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.
6. **Name Removed**, 30-day suspension *withdrawn*
Wichita State University
Police Officer. Appellant used his position with the WSU police department to intimidate and harass an individual based upon her relationship with another department officer. The parties reached a settlement agreement and the appeal was withdrawn prior to the scheduled hearing.
7. **Name Removed**, dismissal *withdrawn*
Kansas Neurological Institute
Licensed Practical Nurse. Appellant received two unsatisfactory performance evaluations within 180 days, the primary problem being her flagrant and habitual pattern of failure to report for work and abuse of time and leave. Appellant withdrew her request for a hearing prior to the scheduled hearing date.
8. **Name Removed**, dismissal *withdrawn*
Wildlife and Parks
Environmental Scientist I. Appellant got into a physical altercation with a patron of a state park, and was later arrested for his assault on the patron. The parties reached a settlement agreement and the appeal was withdrawn prior to the scheduled hearing.
9. **Name Removed**, dismissal *withdrawn*
Kansas Veteran's Home
Certified Nurse Aide I. Appellant became upset with a resident, woke him and his roommate up at 2:00 am and began to question him in a very argumentative and confrontational manner. She yelled and called the resident a "prejudice son of a bitch". The resident asked her to leave and she refused. The resident then bumped her with his stomach and she left the room. Appellant withdrew her request for a hearing prior to the scheduled hearing in the matter.

B. Cases Filed Between July 15, 2005 and October 15, 2005:

1. Kansas Neurological Institute filed July 18, 2005
2. Highway Patrol, filed July 25, 2005
3. Social and Rehabilitation Services, filed July 26, 2005
4. Fire Marshal, filed August 15, 2005
5. Wichita State University, filed August 16, 2005
6. Department of Transportation, filed August 17, 2005
7. Wichita State University, filed September 2, 2005
8. Kansas Correctional Industries, filed September 6, 2005
9. KU Medical Center, filed September 13, 2005
10. Topeka Correctional Facility, filed September 15, 2005
11. Department of Corrections, filed September 21, 2005
12. Hutchinson Correctional Facility, filed September 22, 2005
13. Osawatomie State Hospital, filed September 29, 2005
14. Kansas State University, filed September 29, 2005
15. Topeka Correctional Facility, filed September 30, 2005
16. Wildlife and Parks, filed October 4, 2005
17. Social and Rehabilitation Services, filed October 4, 2005
18. El Dorado Correctional Facility, filed October 14, 2005

C. Cases Still To Be Heard:

1. dismissal, Topeka Correctional Facility, set 11/10/05
2. 5-day suspension, Kansas Correctional Industries, set 10/21/05
3. dismissal, The University of Kansas, set 11/10/05
4. dismissal, Department of Corrections, set 11/9/05
5. dismissal, Social and Rehabilitation Services, set 12/7/05
6. dismissal/resignation, El Dorado Correctional Facility, set 11/23/05
7. promotion, Wichita State University, motion to dismiss pending
8. 5-day suspension, KU Medical Center, set 1/4/06
9. 2-day suspension, Hutchinson Correctional Facility, set 11/9/05
10. dismissal, Social and Rehabilitation Services, set 12/5/05
11. dismissal, Ellsworth Correctional Facility, set 12/21/05
12. 20-day suspension, Department of Labor, set 1/18/06
13. dismissal, Larned State Hospital, set 12/20/05
14. 3-day suspension, Kansas State University, set 1/5/06
15. dismissal, Wildlife and Parks, set 11/15/05
16. dismissal, Osawatomie State Hospital, set 11/7/05
17. dismissal, Topeka Juvenile Correctional Facility, set 10/19/05
18. dismissal, Social and Rehabilitation Services, set 1/19/06
19. whistleblower/constructive discharge, Wichita State, motion to dismiss pending
20. dismissal, Kansas Soldiers' Home, set 11/21/05
21. demotion, Department of Transportation, set 11/8/05
22. demotion, Social and Rehabilitation Services, set 11/15/05
23. dismissal, Highway Patrol, set 11/7/05
24. dismissal, Kansas State University, set 11/8/05
25. demotion, Social and Rehabilitation Services, motion to dismiss pending
26. 15-day suspension, Topeka Correctional Facility, set 2/7/06

D. Statistics for Completed Cases:

1. Dismissals: 6
2. Demotions: 0
3. Suspensions: 3
4. Other: 0

1. Affirmed: 1
2. Reversed: 0
3. Modified: 1
4. Dismissed: 0
5. Withdrawn: 7

1. Social and Rehabilitation Services: 4
2. Department of Corrections: 1
3. State Fire Marshal: 1
4. Wichita State University: 1
5. Wildlife and Parks: 1
6. Kansas Veteran's Home: 1